

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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PALM BAY INTERNATIONAL, INC.

09 CIV 601

Plaintiff,

- against -

MARCHESI DI BAROLO S.P.A.,

Defendant.
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**DECLARATION OF
GARY ETTELMAN
IN SUPPORT OF
PLAINTIFF'S MOTION
TO STRIKE**

Gary Ettelman does hereby declare under penalty of perjury that the following is true and correct:

1. Annexed hereto as Exhibit A is a true and correct copy of Magistrate Judge Tomlinson's Case Management and Scheduling Order, dated June 4, 2009.
2. Annexed hereto as Exhibit B is a true and correct copy of Plaintiff's First Amended Complaint, filed on July 31, 2009.
3. Annexed hereto as Exhibit C is a true and correct copy of Defendant's Answer to First Amended Complaint and Counterclaims, filed on October 13, 2009.
4. Annexed hereto as Exhibit D is a true and correct copy of Marchesi's Answer, Affirmative Defenses, and Amended Counterclaim to First Amended Complaint, filed on November 8, 2009.

Dated: November 25, 2009
Garden City, New York

ETTELMAN & HOCHHEISER P.C.

By: s/Gary Ettelman
Gary Ettelman (GE 9315)
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